2 Ellsberg Motions Are Denied

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LOS ANGELES, Dec. 20 (UPI)—U.S. District Court Judge W. Matt Byrne Jr. today denied defense motions challenging the jury selection system and protesting government wiretapping, clearing the way for the second Pentagon papers trial of Daniel Ellsberg to start in January.

One of the motions turned down by Byrne involved a telephone tap by the Attorney General's Office of a conversation by one of the lawyers for Ellsberg and co-defendant Anthony J. Russo.

A similar appeal on electronic surveillance led to a four-month delay in the first trial and the subsequent ruling of a mistrial earlier this month.

Byrne said today he had examined the substance of the latest wiretap revealed by the government and said it entailed "one statement made on a single date."

"It had no relationship in any way to this case," Byrne said. "It had no bearing on the attorney-client relationship."

Byrne said he would order the Attorney General's office to furnish him the full transcript of any electronic surveillance of any of the principals, attorneys or consultants for the defense.

Ellsberg's attorneys said they would not again take the wiretap issue to the higher courts. They said they had no new grounds.

Ellsberg and Russo, his former colleague at the Rand Corp. "think tank," are charged with conspiracy, espionage and theft of government property in connection with disclosure of government documents outlining the evalution of the Vietnam war in top U.S. circles.

Bryne also denied a motion challenging the entire jury selection system in the federal courts and asking for a hearing on the issue.